

SEP 27 2005

520.43328X00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. SUZUKI, et al.  
Application No.: 10/733,385  
Filed: December 12, 2003  
Title: CATALYTIC MATERIAL, ELECTRODE, AND FUEL CELL USING  
THE SAME  
Group AU: 1745  
Examiner: Gregg Cantelmo  
Confirm. No.: 8521

TERMINAL DISCLAIMER

Mail Stop: AMENDMENT - FEE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

September 27, 2005

Sir:

Petitioner, Hitachi, Ltd., having its place of business at 6, Kanda Surugadal 4-chome, Chiyoda-ku, Tokyo 100, Japan, represents that it is the sole owner of the entire interest of U.S. Application No. 10/733,385, filed December 12, 2003, for CATALYTIC MATERIAL, ELECTRODE, AND FUEL CELL USING THE SAME, and that the Assignment of all rights in connection therewith has been recorded at Reel 014795, Frame 0271.

Petitioner hereby disclaims all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 USC 154 to 156 and 173, of any U.S. Patent issuing from U.S. Patent Application No. 11/062,597, filed February 22, 2005 (hereinafter "said any U.S. Patent issuing from No. 11/062,597"), and hereby agrees that any patent issued on the above-identified application shall be enforceable only for and during such time as said any U.S. Patent issuing from No. 11/062,597 and the above-identified application are commonly owned.

Petitioner, however, does not disclaim the terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term, defined in

Docket No. 520.43328X00  
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35 USC 154 to 156 and 173, of the above-listed said any U.S. Patent issuing from No. 11/062,597, in the event that said any U.S. Patent issuing from No. 11/062,597 expires: for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of the above-referred-to full statutory term, except for the separation of legal title as stated above.

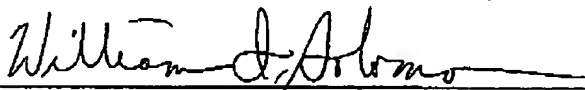
This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

The undersigned is an attorney of record in this application and is empowered to act on behalf of Hitachi, Ltd. for execution and submission of Terminal Disclaimers, in accordance with the provisions of 37 CFR 1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statement made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

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